

## ZONING BOARD OF APPEALS

Tuesday, October 16, 2007

6:30 P.M. – City Council Chambers  
Rockford City Hall, 425 East State Street

### Present:

**ZBA Members:** Alice Howard, Vice Chairman  
Dan Roszkowski  
Fred Money  
William Orr  
Tom Przytulski  
David Peterson

**Absent:** Tom Morgan, Chairman

**Staff:** Todd Cagnoni – Manager of Current Planning  
Sandra Hawthorne – Administrative Assistant  
Jon Hollander – City Engineer, Public Works  
Kerry Partridge – City Attorney  
Frank Schmitt – Chief, Fire Prevention Division  
Reid Montgomery – Director, Community Development  
  
Alderman Frank Beach (partial)  
Alderman Nancy Johnson (partial)

**Others:** Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the September 18, 2007 meeting as submitted. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 6-0 with Tom Morgan absent.

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**076-07**

Applicant  
Ward 3

**1502 Parkview Avenue**

Sinnissippi Development / Mark Carlson

**Renewal of Special Use Permit #47-05 for a Planned Mixed**

**Use Development** consisting of medical office buildings over 3,000 square feet, professional office building, and a Community Service Organization to include uses for children and/or elderly care in an R-1, Single-family Residential Zoning District

**Laid Over from September meeting**

This item was on the agenda of the September 18<sup>th</sup> Zoning Board of Appeals meeting. The Applicant and/or his representative Failed to Appear at that meeting. The Board voted to Lay Over the item to the October Zoning Board meeting; however, the original Special Use Permit expired On October 3<sup>rd</sup>, prior to this meeting. As such, this item was not heard and the Applicant will need to start over with the application process.

**080-07**

Applicant  
Ward 7

**1904 Auburn Street**

Syed Sayeeduddin

**Variation** to waive the requirements from compliance with Section 405.5 for a dumpster enclosure in an R-2, Two-family Residential District

The subject property is located on the southwest corner of Auburn Street and Evelyn Street and is a six family structure. This application is a result of a violation for lack of enclosure for the four, 95-gallon trash cans the tenants use. Syed Sayeeduddin, Applicant, reviewed his request for Variation. He explained the dumpster was removed and he put trash cans in its place. He does not feel the garbage truck can make the 45 degree angle to pick up the trash if they were enclosed.

Staff Recommendation was for Denial. Objectors were present.

Steve Wright, 1332 Evelyn Street was present as an Objector. Mr. Wright owns the rental property directly to the south. He stated that originally there was a dumpster at the subject property but it was removed. With only 3 trash cans and 6 apartments, the trash will not fit and overflows the containers. He also stated the Applicant's trash cans get pushed over to his property to provide the Applicant's tenants more parking space, and this makes it difficult for his tenants to maneuver.

Alderman Nancy Johnson spoke on behalf of Alderman Ann Thompson Kelley. She stated Alderman Thompson Kelly was not able to make this meeting but wished to have her opposition to this application voiced.

In response the applicant again stated there is not enough room for the truck to maneuver. Mr. Sayeeduddin also said he would be willing to add more trash cans.

Mr. Cagnoni clarified that the containment could house the garbage cans in place of a dumpster.

A **MOTION** was made by Dan Roszkowski to **DENY** the Variation to waive the requirements from compliance with Section 405.5 for a dumpster enclosure in an R-2, Two-family Residential District at 1904 Auburn Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

**ZBA 080-07**  
**Findings of Fact for a Variation**  
**To Waive the Requirements from Compliance with Section 405.5**  
**For a Dumpster Enclosure in an R-2, Two-Family Residential District at**  
**1904 Auburn Street**

**Denial** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The property has sufficient area to enclose the trash cans without interfering with the alley.
2. The conditions upon which a petition for a Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other properties with multi-family units within the same zoning classification.
3. The purpose of the Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title because the trash cans will be visible from the adjacent residential use and public right-of-way.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions of Section 405.5 imposed by this Ordinance.

<b>081-07</b> Applicant Ward 8	<b><u>3819 Broadway</u></b> Tri Star Marketing, Inc. <b>Modification of Special Use Permit #027-06 for a Planned Mixed Use Development</b> consisting of a gas station and car wash to include outdoor storage of seasonal products in a C-2, Commercial Community District
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The subject property is located at the southeast corner of Broadway and Eastmoreland and has recently been redeveloped for a Super Pantry gas station. Brian Went, representing the Applicant, reviewed the request. He explained that when originally applying for the Special Use Permit, the request to allow outdoor storage of seasonal products was left out in error. Ald. Johnson spoke on behalf of the Applicant, stating she would support outdoor sales as shown on the Exhibit.

Staff Recommendation was for Approval with 2 conditions. One letter of Objection was received from Evelyn Doty regarding lighting flowing to the neighboring property and noise from the doors of the car wash on the Applicant's property.

A **MOTION** was made by Fred Money to **APPROVE** the Modification of Special Use Permit #027-06 for a Planned Mixed Use Development consisting of a gas station and car wash to include outdoor storage of seasonal products in a C-2, Commercial Community District at 3819 Broadway. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-1 with Dan voting Nay.

Approval is subject to the following conditions:

1. Outdoor storage of seasonal products is limited to areas as shown on Exhibit E.
2. Compliance with any Statute and City Building and Fire Codes.

**ZBA 081-07**  
**Findings of Fact for a Modification of Special Use Permit #027-06**  
**for a Planned Mixed Use Development Consisting of a Gas Station and Car Wash**  
**to Include Outdoor Storage of Seasonal Products**  
**As Shown on Exhibit E in a C-2, Commercial Community District at**  
**3819 Broadway**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located with conditions of approval.

<b>082-07</b> Applicant Ward 2	<b><u>1330 Greenwood Avenue</u></b> Sergio Zavala <b>Special Use Permit for a Planned Residential Development</b> consisting of an existing two-family residence in an R-1, Single-family Residential Zoning District
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This property is located approximately 180 feet west of the Greenwood Avenue and Summit Street intersection and is an existing two-family residence. Terry Olson, and Sergio Zavala were present. The subject property was built as a single-family residence and converted to a two-family prior to 1955. Because there are no records showing this property received a building permit for conversion, it is currently illegal non-conforming. The applicant wishes to bring the property into compliance. Mr. Olson stated he was the realtor for the sale of the property. He explained the structure has two gas meters, two electrical meters, and has been set up as a duplex. This is a two story building.

Staff Recommendation was for Approval with one condition. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of an existing two-family residence in an R-1, Single-family Residential Zoning District at 1330 Greenwood Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

Approval is subject to the following condition:

1. Meeting all applicable Building and Fire Codes.

**ZBA 082-07**  
**Findings of Fact for a Special Use Permit for a Planned Residential Development**  
**Consisting of a Two-Family Residence at**  
**1330 Greenwood Avenue**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1 Zoning District in which it is located.

<b>083-07</b> Applicant Ward 14	<b><u>25XX South Mulford Road</u></b> Rockford Blacktop Construction / Attorney Timothy Jagielski <b>Special Use Permit for a Performance Use</b> consisting of an Asphalt Batch Plant that does not meet the performance criteria in an I-2 General Industrial District
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As of this meeting, Staff did not have enough information on which to base a recommendation. As such, it was requested by Staff that this item be Laid Over to the November 20<sup>th</sup> Zoning Board of Appeals meeting.

A **MOTION** was made by Tom Przytulski to **LAY OVER** the Special Use Permit for a Performance Use consisting of an Asphalt Batch Plant that does not meet the performance criteria in an I-2, General Industrial District at 25XX South Mulford Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

084-07

Applicant  
Ward 1

**1605 North Bell School Road**

Bob Polivka

**Modification of Special Use Permit #117-02 for a Planned Mixed-Use Development**  
to allow the addition of a retail floral shop for a period of five (5) years in a C-1, Limited Office Zoning District, a R-1 Single-family Residential Zoning District, and a R-3, Multi-family Residential District

The subject property is located at the southeast corner of Rote Road and North Bell School Road and is currently a floral shop. The original Modification of Special Use Permit was granted in December 2002 with one of the conditions being that the floral shop operate for a period of five years. This time frame was due to the possibility of the County doing improvements to Bell School Road. Another condition of approval at that time was that the driveway exiting to Bell School Road from the single-family residence / floral shop be removed by July 2003. This condition has not been met. Bob Polivka, Applicant, reviewed his request. He stated if the County chooses to widen Bell School Road prior to the 5 year timeframe requested, the existing Floral Shop will be demolished. Mr. Polivka requested that the Board remove condition #2 requiring the existing driveway to be removed. He feels this would cause a hardship and safety issues.

Mr. Cagnoni stated the removal of this driveway was a condition of approval from the original Special Use Permit. He feels the County and Applicant are moving forward with a design intersection for the Applicant's parking lot and the driveway in question was built for a single family home. The Fire Department stated they could serve any emergency from Bell School Road and would not require the driveway. Mr. Hollander stated there is already a drive from the Golf Shack parking lot to the Floral Shop that was incorporated into the original development. He stated the residential driveway in question is really only convenient as a drive-through. Public Works has safety concerns with the use of this driveway, particularly because the property across the street is under development. The intent of the removal of this drive was to limit access to Bell School Road.

Staff Recommendation was for Approval with two conditions. No Objectors were present.

Ms. Howard stated she feels Staff added this condition on the original Special Use Permit for a reason and she feels this driveway should be removed. Dan Roszkowski stated he sees this type of driveway situation in other areas with residential property and doesn't feel the removal of this drive is necessary.

Mr. Money asked what the implication would be if approval moved forward without the condition that the drive be removed. Mr. Cagnoni stated that if that is the Board's preference, it would be presented this way to Codes and Regulations, but the Legal Department would have to provide input since this is a renewal of the Special Use Permit and there was no request to eliminate this condition when the application was submitted.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Modification of Special Use Permit #117-02 for a Planned Mixed-Use Development to allow the addition of a retail floral shop for a period of five (5) years in a C-1, Limited Office Zoning District, a R-1 Single-family Residential Zoning District, and a R-3, Multi-family Residential District at 1605 North Bell School Road with the elimination of condition 2. The Motion was **SECONDED** by Bill Orr. The Board was unable to reach a majority vote on the Motion of Approval and **FAILED TO CARRY** by a vote of 3-3 with Tom Przytulski, Fred Money, and Alice Howard voting Nay and was, therefore, deemed a recommendation for **DISAPPROVAL**.

Mr. Cagnoni explained that the Board had the option to make a Motion to Reconsider in order to reach a majority vote in one direction or another, and the Board chose not to do so.

**ZBA 084-07**  
**Findings of Fact for a Modification of Special Use Permit #117-02**  
**For a Planned Mixed-Use Development**  
**To Allow the Addition of a Retail Floral Shop for a Period of Five Years**  
**In a C-1, Limited Office Zoning District, an R-1, Single-Family Residential Zoning District,**  
**and an R-3, Multi-family Zoning District at**  
**1605 North Bell School Road**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-1, Limited Office Zoning District, R-1, Single-family Residential Zoning District, and R-3, Multi-family Zoning District in which it is located.

**085-07            Zoning Text Amendment**

Applicant        City of Rockford  
                      To amend Article XV, Sign Regulations, Section 1500 and  
                      Article III, Definitions, Section 300 regarding signage

Todd Cagnoni, Manager of Current Planning, reviewed the Zoning Text Amendment. He explained that the Sign Regulations were being submitted for approval separately from the overall Ordinance rewrite because the Sign portion was done in-house while the overall Ordinance was done with input from hired Consultants. Two public informational meetings were held in which the proposed amendments were presented. As a result of input from these meetings, changes were made and the text amendment as proposed was presented to committee. Mr. Cagnoni explained the purpose and intent of the text amendment is based on best practices and advice by the Legal Department to protect the overall sign ordinance. A final revision of the proposed Zoning Text Amendment was presented at the meeting and Mr. Cagnoni detailed those items as highlighted in yellow. (see ARTICLE XV attached to this document). As part of these revisions, changes were made to the Definition section of the Ordinance pertaining to Signage. (see ARTICLE III.DEFINITIONS attached to this document). He clarified signs that are not permitted. Message signs were described and how they may operate within the City. Mr. Cagnoni explained that if a message board is larger than 36 feet, it would require a Special Use Permit and would be reviewed on a case-by-case basis. Existing message boards would be required to come into compliance with the new ordinance. Sign height regulations would change from 30 feet to 8 feet for single use lots, and to 20 feet for shopping centers. Mr. Cagnoni provided clarification as to when a permit would be required and when not required. Inside signs will allow no more than 35% obstruction of the business window. Light pole signs were not allowed in current ordinance, but can be allowed with a



temporary sign license under the revised ordinance. They cannot exceed 15 square feet, and no more than two signs per pole are allowed. Provisions on murals in the downtown C-4 District were added, where there are none in the existing Ordinance. All electronic billboards will be reviewed by the Zoning Board of Appeals. As part of the proposed Ordinance, two business wall signs will be permitted above the ground floor only.

Mr. Cagnoni clarified that rotating vehicle signs are not considered within the zoning ordinance because of the difficulty in regulating these.

Benjamin Bernsten from First Rockford Group submitted a letter with requests for revision. Three areas were addressed. #1, Sign Credit – requested that the City consider an additional provision that would allow a credit to be given in the event a pylon/landmark sign is allowed, but not utilized. An example was a shopping center that would be allowed a 240 square foot pylon sign and elected not to construct such a sign or constructed one of lesser square footage would be allowed to increase wall signage proportionately. Mr. Cagnoni stated this was an idea worth considering since encouraging wall signs was a preference over freestanding signs and staff would be willing to review this option. #2, Non-conforming Uses – The request from First Rockford was to allow non-conforming signs to maintain their existing structure/style/size if it is non-conforming and is damaged by 50% or more. In response, Mr. Cagnoni stated it is believed by the city that it would be beneficial to have non-conforming signage move towards the revised ordinance. This is an area that we would like to look at for a period of time before making a decision on non-conforming signs. #3, Three tiered approach – First Rockford's concern was that the revised ordinance has a sign requirement for commercial properties having less than 3 tenants, and a requirement for those having 3 or more. They suggested an additional tier that would allow for a total size of 50,000 or more square feet for larger shopping centers or big box users. Mr. Cagnoni responded that the City could be willing to evaluate signage size in box cases, but that it was the overall intent of the committee to reduce sign height.

A **MOTION** was made by Tom Przytulski to **APPROVE** the amendment to Article XV, Sign Regulations, Section 1500 and Article III, Definitions, Section 300 regarding signage as per Staff revisions. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 6-0.

<b>086-07</b>	<b><u>5801 Columbia Parkway</u></b>
Applicant	Tim Hansen
Ward 14	<b>Special Use Permit for a Performance Use</b> of a drive through window for a fast food restaurant (Subway) in a C-3, Commercial General Zoning District

Prior to this meeting, a request was received by the Applicant to Lay Over this application to the November 20<sup>th</sup> Zoning Board of Appeals meeting.

A **MOTION** was made by Tom Przytulski to **LAY OVER** the Special Use Permit for a Performance Use of a drive through window for a fast food restaurant (Subway) in a C-3, Commercial General Zoning District at 5801 Columbia Parkway. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

<b>087-07</b>	<b><u>37XX North Bell School Road</u></b>
Applicant	Landmark Riverside L.L.C.
Ward 4	<b>Zoning Map Amendment</b> from R-3, Multifamily Residential District, to C-3, Commercial General District

The subject property is located on the west side of Bell School Road, just south of Riverside Boulevard and east of Ryebrook. It is currently vacant land consisting of 11.909 acres and in the process of being subdivided. Jeff Linkenheld (ARC Design), John Folvig (Landmark Riverside L.L.C.), and Attorney Dan



McGrail were present. Attorney McGrail reviewed the request on behalf of the applicant. At the time the property was annexed into the City in 2005, the zoning was changed to C-3, Commercial General. There was consideration of a condominium development for this property later that year, and zoning was changed to R-3. The Applicant now wishes to rezone this property as C-3 to allow for retail and restaurant uses. Attorney McGrail pointed out there is a very generous buffer between this parcel and the residential area to the west.

Staff Recommendation was for Approval with no conditions. Two neighboring property owners wished to clarify some issues, but were not necessarily in objection to this project.

Randy Larson, 7551 Ryebrook Road, stated his home is located in the residential area next to the parking lot. He stated he appreciates that the berm is still in place, but is concerned with the lack of greenspace. Mr. Cagnoni explained to Mr. Larson that the request for a decrease in greenspace is not part of this application, but rather with another application on the agenda. Mr. Larson was comfortable with that information.

Mark Lamp 7433 Ryebrook Road stated he had concerns with the buffer in relationship to building height and parking lot lighting. Attorney McGrail explained there is a plan for a 6 foot fence to buffer lighting from vehicles. Jeff Linkenheld stated that this development will conform to a City Type C buffer, possibly more. Mr. Cagnoni explained the existing right of way needs to be 50 feet, and that the Planning office will review the landscaping and site plan to assure the development is in conformance with City ordinance and the annexation agreement as this project moves forward. He stated the fence the applicant intends to install to shield lighting is not a requirement, but is an excellent feature.

A **MOTION** was made by William Orr to **APPROVE** the Zoning Map Amendment from R-3, Multifamily Residential District, to C-3, Commercial General District at 37XX North Bell School Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

**ZBA 087-07**  
**Findings of Fact for a Zoning Map Amendment**  
**From R-3, Multifamily Residential District**  
**To C-3, Commercial General District at**  
**37XX North Bell School Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as commercial – office.

088-07

Applicant  
Ward 4

**75XX East Riverside Boulevard**

Genesis Land Development & Brokerage, LLC

- (A) **Special Use Permit for a Planned Mixed-Use Development** consisting of a restaurant, bar, nightclub, banquet facility, outdoor restaurant plaza/beer garden/event gathering area, and an outdoor banquet plaza/events plaza
- (B) **Special Use Permit** for the sale of liquor by the drink indoors
- (C) **Special Use Permit** for the sale of liquor by the drink outdoors
- (D) **Special Use Permit** for a an off-premise business sign
- (E) **Variation** to reduce the parking requirement by 25%
- (F) **Variation** to eliminate the required open green space between property lines
- (G) **Variation** to reduce the required minimum building setback to zero to allow a covered pedestrian access

The subject property is located at the southwest corner of the intersection of East Riverside Boulevard and Interstate 90 and is vacant land. Ander Smith with Genesis Land Development reviewed the requests before the Board. Because this application ties in with ZBA item 089-07, Mr. Smith provided information on both of these items. The item number 088-07 parcel is being submitted by Rick Nielsen of Cheap Trick. The parcel involved in item 088-07 is for the Hiatt Hotel. Because of the relationship between the two developments, the requested Variances of both items were necessary.

Mr. Cagnoni requested that the Board treat each application independent of each other. He reviewed the requests of this item. He explained that these properties are two adjacent uses. Both requests are for a 25% reduction in parking. The proposed restaurant does not have the required parking; however, the hotel has an overabundance of parking, but the maximum reduction allowed is limited to 25%. The required open green space was more of a technicality. The property line between the parcels goes right down the parking lot spaces with no landscaping area. On the south there is a landscaping area that is not required by ordinance. Mr. Cagnoni stated Staff has reviewed the overall landscaping plan and it is in conformance with code.

Staff Recommendation was for Approval of all items. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the (A) Special Use Permit for a Planned Mixed-Use Development consisting of a restaurant, bar, nightclub, banquet facility, outdoor restaurant plaza/beer garden/event gathering area, and an outdoor banquet plaza/events plaza; **APPROVE** the (B) Special Use Permit for the sale of liquor by the drink indoors; **APPROVE** the (C) Special Use Permit for the sale of liquor by the drink outdoors; **APPROVE** the (D) Special Use Permit for a an off-premise business sign ; **APPROVE** the (E) Variation to reduce the parking requirement by 25%; **APPROVE** the (F) Variation to eliminate the required open green space between property lines; and to **APPROVE** the (G) Variation to reduce the required minimum building setback to zero to allow a covered pedestrian access at 75XX East Riverside Boulevard. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Submittal of a site plan for Staff review and approval.
2. Submittal of a landscaping plan including size and botanical name of species for Staff review and approval.
3. Meeting all applicable Building and Fire Codes.
4. Compliance with all City of Rockford Liquor Codes.

**ZBA 088-07**  
**Findings of Fact for a Special Use Permit for a Planned Mixed-Use Development**  
**Consisting of a Restaurant, Bar, Nightclub, Banquet Facility, Outdoor Restaurant**  
**Plaza/Beer Garden/Event Gathering Area, and an Outdoor Banquet Plaza/Events Plaza**  
**In an C-3, Commercial General District at**  
**75XX Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial General Zoning District in which it is located.

**ZBA 088-07**  
**Findings of Fact for a Special Use Permit**  
**For the Sale of Liquor by the Drink Indoors**  
**In an C-3, Commercial General District at**  
**75XX Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial General Zoning District in which it is located.

**ZBA 088-07**  
**Findings of Fact for a Special Use Permit**  
**For the Sale of Liquor by the Drink Outdoors**  
**In a C-3, Commercial General District at**  
**75XX East Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial General Zoning District in which it is located.

**ZBA 088-07**  
**Findings of Fact for a Special Use Permit**  
**For an Off-Premise Business Sign**  
**In a C-3, Commercial General District at**  
**75XX Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Commercial General Zoning District in which it is located.

**ZBA 088-07**  
**Findings of Fact for a Variation**  
**to Reduce the Parking Requirement by 25%**  
**In a C-3, Commercial General District at**  
**75XX Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 088-07**  
**Findings of Fact for a Variation**  
**To Eliminate the Required Open Green Space Between Property Lines**  
**In a C-3, Commercial General Zoning District at**  
**75XX Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 088-07**  
**Findings of Fact for a Variation**  
**To Reduce the Required Minimum Building Setback to Zero**  
**To Allow a Covered Pedestrian Access**  
**In a C-3, Commercial General District at**  
**75XX Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.



**089-07**

Applicant  
Ward 4

**75XX Riverside Boulevard**

Genesis Land Development & Brokerage, LLC

- (A) **Special Use Permit** for a hotel with liquor sales by the drink
- (B) **Special Use Permit** for two (2) off-premise business signs
- (C) **Variation** to reduce the parking requirement by 25%
- (D) **Variation** to eliminate the required open green space between property lines
- (E) **Variation** to reduce the required minimum building setback to zero to allow a covered pedestrian access
- (F) **Variation** to increase the maximum height for a freestanding sign from 30 ft. to 40 ft.

This property is located at the southwest corner of the intersection of East Riverside Boulevard and Interstate 90 and is currently vacant land. This parcel is part of the development described in ZBA 088-07 and is for the Hiatt Hotel. Ander Smith, representing the Applicant, was present. Mr. Cagnoni reviewed the requests, stating the request for two off-premise business signs was to allow the banquet facility to advertise on the hotel site. Variation (F) for increase in height of the freestanding sign is requested to allow visibility from the tollway, since this property is adjacent.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the (A) Special Use Permit for a hotel with liquor sales by the drink; **APPROVE** the (B) Special Use Permit for two (2) off-premise business signs; **APPROVE** the (C) Variation to reduce the parking requirement by 25%; **APPROVE** the (D) Variation to eliminate the required open green space between property lines; **APPROVE** the (E) Variation to reduce the required minimum building setback to zero to allow a covered pedestrian access; and to **APPROVE** the (F) Variation to increase the maximum height for a freestanding sign from 30 ft. to 40 ft. at 75XX East Riverside Boulevard. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Submittal of a site plan for staff review and approval.
2. Submittal of a landscaping plan including size and botanical name of species for staff review and approval.
3. Meeting all applicable Building and Fire Codes.
4. Compliance with all City of Rockford Liquor Codes.

**ZBA 089-07**

**Findings of Fact for a Special Use Permit  
For a Hotel with Liquor Sales by the Drink  
In a C-3, Commercial General Zoning District at  
75XX East Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial General Zoning District in which it is located.

**ZBA 089-07**  
**Findings of Fact for a Special Use Permit**  
**For Two Off-Premise Business Signs**  
**In a C-3, Commercial General District at**  
**75XX East Riverside Boulevard**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3, Commercial General Zoning District in which it is located.

**ZBA 089-07**  
**Findings of Fact for a Variation**  
**To Reduce the Parking Requirement by 25%**  
**In a C-3, Commercial General District at**  
**75XX East Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 089-07**  
**Findings of Fact for a Variation**  
**To Eliminate the Required Open Green Space Between Property Lines**  
**In a C-3, Commercial General Zoning District at**  
**75XX East Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 089-07**  
**Findings of Fact for a Variation**  
**To Reduce the Required Minimum Building Setback to Zero**  
**To Allow a Covered Pedestrian Access**  
**In a C-3, Commercial General District at**  
**75XX East Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 089-07**

**Findings of Fact for a Variation**

**To Increase the Maximum Height of a Freestanding Sign  
From Thirty Feet to Forty Feet in a C-3, Commercial General Zoning District at  
75XX East Riverside Boulevard**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or

endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.

7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**090-07                    There is no application for this file number**

**091-07                    42XX & 39XX US 20 Bypass and 45XX Simpson Road**  
Applicant                Nordic Investment  
Ward w/b 5               **Zoning Map Amendment** from County Agricultural to I-1, Light  
                                 Industrial District

The subject property is located north, east and west of US Route 20 and south of Simpson Road and is currently vacant land within Winnebago County. The property is within the Global Trade Park planning area with the 2020 Plan designation as industrial use. Attorney Charlotte LeClercq, and Jill Gnesda were present. Attorney LeClercq reviewed the requests. She stated this plan is consistent with surrounded uses in the area which are primarily industrial. The Applicant has been discussing uses and zoning for this property with the City for approximately two years. At this time there are no contemplated users of the property, but plat approval would be required by the city before any development of the property.

Staff Recommendation was for Approval with no conditions. Objectors were present, and one citizen wished to ask questions for clarification purposes.

Cheri Hinerichsen, 510 Simpson Road stated she is not objecting to this project, but asked if there are any plans from the City to force additional parcels to annex. Mr. Cagnoni stated that at this time he is not aware of any properties that will be surrounded by this area. Should there become additional parcels that wish to annex and other parcels that are less than 60 acres become surrounded by the City, it is the policy of the City to annex. He also explained the process of how a property has an option to file a zoning request for zoning change up to one year from the date of annexation.

Mary and Bill Marek 718 Simpson Road live behind the proposed development. They are in objection to rezoning to only industrial and feel this parcel should be commercial as well because of the location. They would like to see entertainment, restaurant, and retail uses rather than only industrial, particularly in the areas around the interchange of the bypass. Mr. Marek stated there is industrial land that is vacant all over the city that could be utilized. They feel attractions for out of towners would be more beneficial rather than forcing people to drive further out of the city for these benefits. Mr. Marek specified that he does not want to be annexed into the City.

Jeremy Hare, 1120 Simpson Road, stated he is right in the middle of the applicant's area and is concerned with being annexed. Mr. Cagnoni expressed that most likely Mr. Hare's property would be surrounded by City property by the end of the year. Attorney Partridge added it was very likely that Mr. Hare's property would be annexed at that time or shortly thereafter.

In response, Attorney LeClercq stated that the next application, ZBA 092-07, contains approximately 25 acres with a request for commercial use.

Mr. Cagnoni stated the city believes this is a viable intersection. Industrial uses need to have services available as well as transportation. He explained that a hotel had been approved right near this property several years ago and has not moved forward as of yet. He further stated that the next application on the agenda, ZBA 092-07, includes an amount of commercial space. In addition there is an application coming before the Board next month for property in the southwest quadrant of South Main Street and the

bypass that will include some commercial. Mr. Cagnoni stated the City would like to create TIF opportunities as these areas development to draw business to this area of Rockford.

A **MOTION** was made by Fred Money to **APPROVE** the Zoning Map Amendment from County Agricultural to I-1, Light Industrial District at 42XX and 39XX US 20 Bypass and 45XX Simpson Road. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-1 with William Orr voting Nay.

**ZBA 091-07**  
**Findings of Fact for a Zoning Map Amendment**  
**From R-1 Single-Family District to I-1, Light Industrial District at**  
**42XX Simpson Road – 39XX US Route 20 – 45XX Simpson Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as CH and IL, Heavy Commercial and Light Industrial

<b>092-07</b> Applicant Ward w/b 5	<b><u>33XX US 20 Bypass and 49XX South Main Street</u></b> Nordic Investment (A) <b>Zoning Map Amendment</b> from County Agriculture to C-3, Commercial District for Parcel 1 (B) <b>Zoning Map Amendment</b> from County Agriculture to I-1, Light Industrial District for Parcel 2 (C) <b>Waiver</b> of Section 900.2 (f) (3) distance from a residential district for Performance Uses listed in Section 900.2 (E) in a I-1, Light Industrial District for Parcel 2
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This property is located south of US Highway 20, west of the Rock River, and east of South Main Street and is currently vacant land within Winnebago County. It is also within the Global Trade Park planning area and designated as industrial and tech in the 2020 Plan. Attorney Charlotte LeClercq and Jill Gnesda represented the Applicant. Attorney LeClercq explained the Applicant has been working with the City for approximately 5 years on a development plan on these parcels. This development originally included some residential, but because of the housing market commercial seemed more feasible. She stated commercial would be beneficial in this location because of the proximity of the airport and bypass. The Applicant is also considering the development of a hotel, restaurant, and similar uses. Plans for development of this parcel will need to be approved by the City prior to any development taking place. Attorney LeClercq stated there will be a second access off of Route 2 just south of this development. The Applicant is donating a 50 foot strip along the river for a pedestrian path. At this time they have no definite uses for the subject property; however, there would be the appropriate buffer between the light industrial development and existing residential area.



Staff Recommendation was for Approval with 1 condition.

A **MOTION** was made by Tom Przytulski to **APPROVE** the (A) Zoning Map Amendment from County Agriculture to C-3, Commercial District for Parcel 1; **APPROVE** the (B) Zoning Map Amendment from County Agriculture to I-1, Light Industrial District for Parcel 2; and to **APPROVE** the (C) Waiver of Section 900.2 (f) (3) distance from a residential district for Performance Uses listed in Section 900.2 (E) in a I-1, Light Industrial District for Parcel 2 at 33XX US 20 Bypass and 49XX South Main Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That future development of the property shall conform to City of Rockford codes and ordinances.

**ZBA 092-07**

**Findings of Fact for a Zoning Map Amendment**

**From R-1 Single-Family District to I-1, Light Industrial District at**

**33XX US 20 Bypass – 49XX South Main Street – 4628 South Main Street - 59XX Beltline Road**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
  - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as T and IL, Tech Industrial and Light Industrial.

With no further items to come before the Board, the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant  
Community Development Department  
Planning & Zoning Division

## ARTICLE III. DEFINITIONS

### Section 300

Sign, business sign (on-premise advertising sign): Any display, device, figure, plaque or sign maintained or used to advertise or to inform or to direct attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon, ~~or containing a noncommercial message.~~

Sign, banner sign: A sign usually made of cloth, paper, plastic or other non-rigid material with or without and enclosed framework.

Sign, mural: A painting or pictorial representation applied to or incorporated into a structure or wall, that can may be viewed from public places, alleys, right-of ways.

Sign, landmark style: A detached sign mounted on or incorporated into a solid base, and shall be a self-supporting structure.

Sign, low-profile sign: (Also "Monument Sign") A sign mounted directly on the ground with maximum height not to exceed six (6) eight (8) feet.

Sign, development site sign: a temporary sign used for advertising the construction of a commercial, industrial or residential development.

Sign, real estate sign: A temporary sign that relates to the sale, rental, lease or marketing of property or buildings on which the sign is located.

Sign, inflatable sign: Any sign that is either expanded to its full dimension or supported by gases within the sign, or sign parts, included but not limited to a pressure greater than the atmospheric pressure.

Sign, advertising devise:

Sign, garage or yard sale: A sign either on premise or off premise, which identifies, describes, directs attention to, or gives direction for locating a garage sale or yard sale or rummage sale or similar type of sale.

Sign, inside sign: Signs inside a building but visible from a public right-of-way.

Sign, temporary: A sign which is not permanently affixed to a wall, permanently installed in the ground by anchoring below the frost line or installation in concrete; signs taped to the inside of window to be visible from the public right-of-way. All devices such as banners, pennants, flags (not intended to include flags of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

Sign, light pole sign:

Sign, Electronic graphic display: A sign or portion thereof, exceeding 36 square feet, which displays electronic, static images, static graphics or static pictures. Such sign may be with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within display area where the message change sequence is accomplished immediately. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays.

Sign, billboard (off premise advertising sign): A sign which directs attention of the public, business or activity conducted or product or service sold or offered at a location not on the same premises where such sign is located without using electronic graphic display.

Sign, electronic graphic display digital billboard (off premise advertising sign) using electronic graphic display): A sign which directs the attention of the public, business or activity conducted or product or service sold or offered at a location not on the same premises where such sign is located using an electronic graphic display sign.

Sign, business (on-premises advertising). Any display, device, figure, plaque or sign maintained or used to advertise or to inform or to direct attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon or containing a noncommercial message without using electronic graphic display.

Sign, electronic graphic display digital business (onff- premise advertising) sign using electronic graphic display): Any display, device, figure, plaque or sign maintained or used to advertise or to inform or to direct attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon or containing a noncommercial message using electronic graphic display sign.

Shopping Center: An integrated group of ~~four~~ six (4.6) or more commercial establishments, which is planned, developed and managed as a unit with customer and employee parking provided onsite, including outlots.

Sign, wall: Any sign located on a wall of a structure that is not a mural, billboard or freestanding sign. For the purposes of this ordinance marquee and canopy sign is a wall sign.



## ARTICLE XV SIGN REGULATIONS

### SECTION 1500 SIGN REGULATIONS

#### 1500.1 Statement of Purpose and Intent

The purpose of this section is to provide a framework for regulating a system of street graphics, thereby promoting pleasant communication between people and their environment. In order to preserve the City of Rockford as a desirable community in which to live, vacation and do business, a pleasing, visually attractive urban environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the city. It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- A. Enable the identification of places of residence and business.
- B. Allow for the communication of information necessary for the conduct of commerce.
- C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs, which compete for the attention of pedestrian and vehicular traffic.
- D. Enhance the attractiveness and economic well-being of the city as a place to live, vacation and conduct business.
- E. Protect the public from the dangers of unsafe signs.
- F. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- G. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- H. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- I. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- J. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- K. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
- L. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
- M. Preserve and enhance the natural and scenic characteristics of this riverfront community.

~~It is the intent of this section to authorize signs which are:~~

- ~~1. Appropriate to the type of activity to which they pertain;~~
- ~~2. Legible in the circumstances in which they are seen;~~
- ~~3. Compatible with their surroundings, blending with their environment;~~
- ~~4. Safely located with respect to passing motorists and pedestrians; and~~
- ~~5. Promote pleasing aesthetics for the City of Rockford.~~

It is further the intent of this section to regulate signs in terms of their location, dimensions and densities, and to not allow signs which are in direct conflict with traffic signals, or resemble any traffic control device, emergency light or railroad designation, and are unshielded or illuminated devices that create a hazard or nuisance to motorists or occupants of adjacent properties.

#### 1500.2 Signs Not Permitted

The following signs and advertising devices are prohibited:

- A. Rotating signs with a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically-based drives;

- B. Signs which change messages by rotating or swiveling;
- C. Strobe lights - a light source modified electronically or mechanically to produce high-intensity short-duration light pulses;
- D. ~~Electronic copy change boards and~~ Electronic graphic display signs greater than ~~seventy-two (72) thirty-six (36)~~ square feet of electronic copy area, or used for off-premise commercial advertising, ~~unless otherwise permitted by Section 1500.4 (F) (1) or 1500.6 (H) (3) of this Ordinance~~
- E. Mobile signs - any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building;
- F. Searchlights, except by temporary permit from City Council;
- G. Signs erected on public property other than those erected by the City for public purposes;
- H. Signs posted on fences, which are located on property line;
- I. Signs posted on utility poles, trees, or on other natural features;
- J. Signs erected on roof tops, ~~except for on-premise business signs not exceeding thirty (30) feet in height from the grade of the building directly below the sign~~
- K. Sandwich signs - a folding mobile sign;
- L. ~~L. Signs attached to or painted on a vehicle parked on or adjacent to a public thoroughfare for the sole purpose of advertising.~~
- M. ~~Electronic graphic display signs that change sequence by means of fade, re-pixelation or dissolve modes, or any other change sequence that is not immediate in nature.~~
- N. ~~Electronic graphic display signs with fixed image duration less than ten (10) seconds for an off-premise billboard sign and fixed image duration less than two (2) seconds for an on-premise sign.~~
- O. ~~Electronic graphic display signs, which display or that project moving images or motion pictures.~~
- P. ~~Electronic graphic display signs, which project images or messages into the sky, or onto buildings or other objects.~~
- Q. ~~Electronic graphic display signs that shimmer.~~
- R. ~~Electronic graphic display signs, which are brighter than a maximum level of 5,000 nits after sunrise and before sundown and 1,000 nits after sundown and before sunrise.~~
- S. ~~Temporary signs unless otherwise permitted within these regulations.~~ Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- T. ~~Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of way thereby creating a potential traffic or pedestrian hazard.~~
- U. ~~Signs carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies and similar events.~~
- V. ~~Any temporary or permanent sign that is not specifically described or enumerated as permitted within the specific zoning district classifications.~~

### 1500.3 General Provisions

- A. No sign permitted under the regulations of this section shall be installed without first obtaining zoning clearance and a sign permit.
- B. Zoning clearance will be issued for freestanding signs only after the location has been spotted and checked by a City staff person.
- C. Zoning clearance will be issued to the property owner or sign company personnel only after all required information is submitted.
- D. Sign installation shall comply with the provisions of Chapter 3, City of Rockford Codes and Ordinances.
- E. No existing sign which is in conformance with this Section shall be enlarged or altered without being in conformance with the provisions of this Section. Existing nonconforming signs are subject to the provisions in Sec. 1500.7.
- F. Combination signs (multiple on-premise business signs on a single structure) are permitted, subject to all regulations herein.
- G. All signs must be permanently tagged or labeled with the name of the licensed sign installer prior to inspection.
- H. No off-premise advertising sign, either permanent or temporary, shall be installed or placed within fifty (50) feet of the bank of the Rock River.
- I. All freestanding signs shall be landscaped in accordance with Sec. 1403.5.
- J. All signs and advertising devices shall be reasonably maintained in a clean and safe condition. All signs shall be inspected annually to enforce this provision.



- K. Signs displayed in windows, whether temporary or permanent, shall cover no more than 35% of the square footage of the window surface (See Section 1500.5 H. "Inside Signs"). 1. If a storefront is composed of glass, no part of the glass can be painted to reduce visibility. Alternate means i.e. blinds, shades, etc. must be used to limit visibility.

**1500.4 Regulations for Permanent Signs, Including Business Signs (On Premise), ~~Billboards (Off-Premise Advertising) and Other Permanent Signs~~**

**A. Location**

1. All sign bases and sign pylons shall be permanently installed in concrete or into the ground below the frost line; they shall be located not closer than five (5) feet to the property line and not closer than twenty-five (25) feet from an intersection corner measured from the corner of the property lines.
2. The face of any freestanding sign shall not project beyond the property line.
3. All business signs shall be installed on the same zoning ~~lot~~ on which the business is located.
4. Signs (not freestanding) projecting over any public right-of-way require approval from the Department of Public Works prior to issuance of zoning clearance, except for a business identification sign painted on a canvas awning. Projecting signs, awnings or marquees shall extend no closer to the right-of-way than thirty-six (36) inches inside the curb or the edge of pavement of the street. Vertical clearance shall be not less than nine (9) feet from grade over any public or private sidewalk; vertical clearance for signs projecting over a public or private street or alley shall be not less than fifteen (15) feet from grade.
5. No sign permitted in a commercial or industrial district shall be located any closer than fifty (50) feet to a residential district boundary or a residential use.
6. Residential uses shall be protected from glare or reflection. Illuminated signs shall not produce more than one (1) footcandle of light four (4) feet from the sign.
7. All freestanding business signs must be landscaped in accordance with Sec. 1300.

**B. Number Allowed and Size - Commercial and Industrial Districts**

1. Shopping Centers in Commercial and Industrial Districts
  - a. Shopping centers: One (1) landmark style identification sign, which may include the names of the occupants, is allowed four for up to one thousand (1,000) two thousand (2,000) lineal feet of public street frontage, and one (1) additional sign is allowed for each additional one thousand (1,000) two thousand (2,000) feet of frontage up to a maximum of four hundred eighty (480) two hundred and forty (240) square feet for each sign. Poles may not be used to increase the height of the sign.
  - b. Each establishment within the center is allowed two (2) wall signs to identify the business and additional wall-mounted signs to identify the general services provided, but not including brand-name identification. Wall sign area shall not exceed three (3) times the lineal feet of the store frontage, up to a maximum of four hundred eighty (480) two hundred forty (240) square feet. There shall be no more than two (2) wall signs located above the ground floor of the structure. (Ord.1993-345-O)
  - c. Billboards are not permitted on the same zoning lot with the shopping center.
  - d. Each establishment with a Special Use Permit for permitted the sale of liquor may substitute one (1) Brand Name Identification Sign for a general services identification sign. (Ord.1996-16-O)
2. Three (3) Five (5) or Fewer Businesses on a Single Zoning Lot in Commercial and Industrial Zoning Districts



- a. Internal lots, not including shopping centers, shall be permitted one (1) freestanding sign ~~that must shall be of a landmark style and not exceed sixty-four (64) square feet. Poles cannot be used to increase the height of the sign.~~ In addition, two (2) wall, mansard, marquee canopy, internally illuminated awning or projecting sign to identify the business shall be permitted on each premise. Additional wall-mounted identification signs to identify the general services provided are permitted, but not including brand-name identification. Aggregate surface area of all business signs shall not exceed one and one-half (1 ½) square feet for each lineal foot of street frontage of the parcel on which the business is located, OR two (2) square feet for each lineal foot of building frontage facing a public street, whichever is greater. No business ~~wall sign- signage shall exceed the maximum of four hundred eighty (480)- two hundred and forty (240) square feet. There shall be no more than two (2) walls signs located above the ground floor of the structure.~~ -(Ord.1993-345-O; 1996-16-O)
- b. Corner lots, or lots with access to two streets, shall be permitted two (2) freestanding signs ~~that must shall be of landmark style and not exceed sixty-four (64) square feet,~~ provided the second sign is installed on the second street frontage. In addition, one (1) wall, mansard, marquee, canopy, internally illuminated awning or projecting sign shall be permitted on each premise for each street frontage. Additional wall-mounted identification signs to identify the general services provided are permitted, but not including Brand Name Identification. ~~There shall be no more than two (2) walls signs located above the ground floor of the structure.~~ Each establishment ~~with a Special Use Permit for~~ permitted the sale of liquor may substitute one (1) Brand Name Identification Sign for a general services identification sign. The square footage may be combined into one (1) sign, provided that no business ~~sign-wall signage exceeds a maximum of four hundred eighty (480)- two hundred and forty (240) square feet.~~ Aggregate surface area of all business signs shall not exceed one and one-half (1 ½) square feet for each lineal foot of street frontage of the parcel on which the business is located, ~~OR two (2) square feet for each lineal foot of building frontage facing a public street, whichever is greater.~~

### 3. Directional Signs in Commercial and Industrial Districts:

- a. Non-advertising, on-site directional signs are permitted (i.e., indicating entrance, exit, caution, restrooms, slow, no trespassing, parking regulations) when located on the same zoning lot and pertaining to a particular business. The business identification face for each sign is limited to two (2) square feet, and the total sign face is limited to ten (10) square feet.
- b. Service Directories for medical and educational facilities with multiple buildings or pedestrian entrances and multiple parking lots are permitted as follows:
  - (1) Directions are limited to ~~eight (8)- six (6)~~ feet in height and ~~sixty-four (64)thirty-six (36)~~ square feet in total directory face and are subject to standard setback requirements;
  - (2) Only the name of the facility, logo and directional information are permitted on each directory;
  - (3) Directionals must be accompanied by a site plan demonstrating that they will be used to direct traffic.
- c. ~~Drive-through directories for those businesses that have legally established a drive thru are permitted as follows:~~
  - (1) ~~Directory (menu board) six feet in height and thirty-six square feet in size (36).~~
  - (2) ~~Directory must be located adjacent to the drive through lane and a minimum of 20 feet from any property line.~~

### C. Height (Commercial and Industrial Zoning Districts – C-2 , C-3, C-4, I-1 and I-2 Districts only)

Maximum height for all freestanding business signs is ~~thirty (30)eight (8)~~ feet for ~~three five or fewer business on a single lot in Commercial and Industrial Districts and twenty (20) feet for shopping center signage with frontage over 1000 feet.~~ (see Sec. 300, Sign Height).

**D. C-1 Office District - Special Regulations**

1. Maximum height for all freestanding business signs is eight (8) feet, and these signs must be low profile and a maximum of sixty-four (64) square feet. Billboards are prohibited in the C-1 District. All other sign regulations of the Commercial Districts are applicable.
2. Office Park Subdivision entrance signs: One permanent subdivision sign containing only the name and logo of the subdivision is permitted at the subdivision entrance(s), not exceeding sixty-four (64) square feet with a maximum height of eight (8) feet. These signs must be located on or in an easement on the recorded plat of the subdivision.

**E. Residential Districts**

1. One (1) permanent subdivision sign containing only the name and logo of the subdivision, is permitted in a residential district, not exceeding twenty-five (25) square feet with a maximum height of ~~six (6)~~ eight (8) feet.
2. One (1) identification sign is permitted for each dwelling unit, containing only the name of the occupant and the address, not exceeding two (2) square feet. This regulation applies also to licensed home occupations.
3. One (1) low-profile sign is permitted for each nonresidential use, such as a public building, public park, charitable, educational or religious institutions, not exceeding forty-eight (48) square feet.

**F. Special Uses**

City Council may, following a hearing by the Zoning Board of Appeals, permit as a Special Use:

1. An on-premise, electronic graphic display sign digital, on-premise business sign, (electronic graphic display sign greater than 36 square feet). If the Council finds that all the Findings of Fact as outlined in 1603 are met and that the location, size and design of the proposed sign will not have a detrimental effect on the privacy, use, light or enjoyment of any zoning lot and that the sign complies with the size, height, area and other requirements of this article.

**1500.5 Temporary Signs** (A temporary sign permit may be required as per Article III of the Code of Ordinances and/or as outlined below.)

**A. Commercial Signs**

1. **Development Site Signs** (No permit required)
  - a. **Commercial or Industrial Development Site:** One (1) nonilluminated, nonchanging development sign, not exceeding two hundred (200) square feet, is permitted for a period of one (1) year on a construction site in a commercial or industrial zoning district. Only one (1) sign is allowed per zoning lot, and the size of the sign shall be limited to 0.5 times the lineal front footage of the zoning lot up to the two hundred (200) square feet maximum. The sign permit is permissible renewable for an additional year, provided construction is diligently pursued. The development sign must be removed prior to the final inspection of the permanent sign.
  - b. **Residential Development Site:** One (1) nonilluminated development sign, not exceeding thirty-two (32) square feet, is permitted for a period of one (1) year on a construction site. The sign permit is permissible for an additional year renewable, provided construction is diligently pursued.

- c. **Subdivision Development Site:** One (1) temporary nonilluminated subdivision sign, not exceeding thirty-two (32) square feet, located not less than fifteen (15) feet from any side lot line, is permitted for a period of two (2) years.
  - d. **New Business Sign:** One (1) temporary sign for a new business ~~without a permanent sign and~~ not exceeding thirty-two (32) square feet, is permitted for a period ~~of of thirty sixty (6030) days, or until a permanent sign is installed, whichever occurs first.~~
2. **Real Estate Signs ( No permits are required which meet the restrictions below except as required by Section 1500.5 A 3.)**
    - a. ~~No permits are required for temporary signs, which must meet the following restrictions except as required by Section 1500.5.H.~~
    - b. **In residential districts:** "For Sale", "For Rent", or "Open House" signs are permitted up to five (5) square feet (24 inches x 30 inches) in size for residential zoning districts. Such signs are limited to one (1) per zoning lot, except corner lots may display one (1) sign visible from each street frontage, and may be displayed as long as the property is for sale or rent. Property directional signs are not larger than two (2) square feet (12 inches x 24 inches) may be installed at the head of a cul de sac or an arterial street leading to the property during sale or lease period, but must be private property (e.g. not within the parkway between sidewalk and curb) and have that land owner's permission.
    - c. **In commercial and industrial districts:** Signs up to thirty-two (32) square feet on property up to five (5) acres in size and up to sixty-four (64) square feet on property of five (5) acres or more on each of two (2) sides in commercial and industrial zoning districts are limited to one (1) per zoning lot, except corner lots may display one (1) sign visible from each street frontage. Signs must be located in minimum of five (5) feet from property line, located outside of the sight triangle and not distract the view of traffic. Signs must be removed within fourteen (14) days of sale or lease. The use of banners or inflatable signs must be in compliance with Section 1500.5.A.3., Banners or Inflatable Signs and Advertising Devices.
  3. **Banners or Inflatable Signs and other forms of advertisement Advertising Devices (Permit required)**
    - a. Banners or inflatable signs and other forms of advertisement advertising devices are permitted in Commercial or Industrial Districts for not more than seven (7) calendar days in any one six-month (6) period. Banners shall be attached to the principal structure only.
    - b. Maximum square footage of each sign is two hundred (200) square feet; maximum number of signs/advertising devices at one time is two (2). They must not exceed thirty (30) feet in height. A temporary sign permit is required.
  4. **Inside Signs (No permit required)**
    - a. Signs inside a business but intended to be viewed from a public right-of-way. Inside signs whether permanent or temporary are permitted in the C-2, C-3, C-4, I-1, and I-2 Districts subject to the following restriction: no more than thirty-five percent (35%) of the window surface of the business may be obscured by signage or other obstructions.
  5. **Garage, Yard or Rummage Sale Signs (No permit required)**



- a. Garage, yard or rummage sale signs not larger than two (2) feet by two (2) feet, four (4) square feet to be displayed only on private property for no more than four (4) days in any six-month (6) period, are permitted. Such signs shall be removed the day following the sale.
- b. Garage, yard or rummage sale signs are limited to one (1) per zoning lot in residential districts. Such signs are not permitted on property not used for residential purposes.

**6. Light Pole Signs (Permit required)**

- a. The zoning officer may approve a temporary sign permit for up to 365 days for a light pole sign in the C-2, C-3, C-4, I-1, and I-2 commercial and industrial districts. Said permit is renewable provided the provisions of this ordinance are maintained.
- b. Sign shall not exceed ~~xxx~~ fifteen (15) square feet in size.
- c. No more than two signs shall be allowed on any light pole.
- d. The signs shall placed so that the bottom edge has a minimum clearance of 10 feet from the ground and the top edge does not exceed 30 feet from the ground. . ~~exceed 30 feet in height.~~
- e. That the sign is securely attached to the light pole on the top and bottom of the sign.
- f. That the sign shall not advertise the name of the business on the property but shall only identify services provided, but not including brand name identification except for brand name identification for new passenger vehicle sales.
- g. Light pole signs are not allowed on properties with off premise advertising (billboard).
- h. That the signs are maintained in good condition free of tears, rips, fraying or fading. In the opinion of the Zoning Officer should the sign (s) not be maintained in good condition the Zoning Officer may require the removal of signs. The owner of the property shall have 7 days to remove signs should the Zoning Officer require the removal of signs.
- i. There shall be no more than ~~xxx~~ of 30 signs on any zoning lot and there shall be no more than one sign for every 30 parking spaces.

**B. Non-Commercial Signs (No permit required)**

**1. Outside Temporary Signs**

- a. A temporary sign permit may be required. [See Article III of the Rockford Code of Ordinances].
- b. One (1) temporary sign up to five (5) square feet in size is permitted at any time on a zoning lot in a residential district.
- c. Ninety (90) days prior to an event or election, two (2) temporary signs per candidate, issue or event are permitted ~~at any time~~ on a zoning lot in a residential, commercial II or industrial district and shall be removed within five (5) days after election or event.

2. ~~Inside-Non-Commercial~~ ~~Inside Signs~~ ~~Indoor temporary signs~~ not larger than four (4) square feet are permitted in residential, commercial and industrial districts, and are limited to two (2) per zoning lot.

#### 1500.6 Billboards Regulations (Off-Premise Advertising Signs)

- A. Billboards are permitted in the C-2 and C-3 Commercial District, excluding shopping center properties, and in the I-1 and I-2, Industrial Districts, on a buildable zoning lot. Billboards are not permitted on the same zoning lot with a shopping center.
- B. There are Scenic Areas and Corridors, which shall consist of certain specified areas of land or which shall consist of certain strips of land five hundred (500) feet on either side of the outermost edge of the right-of-way of all of the streets, roads, routes, highways, rivers, etc. specified in this Ordinance, within which Scenic Areas and Corridors all billboards (off-premise advertising signs) are not permitted. Said Scenic Areas and Corridors are identified below and no billboard shall be relocated in the following areas:
  1. Business U.S. 20 (West State Street) from the City limits West to the ~~Rock River city limits~~ East.
  2. IL 251 (N. 2nd Street) from the City limits North to Jefferson Street South
  3. IL 2 (S. Main Street) from the City limits South to Chestnut Street North
  4. Perryville Road from the City limits North to the City limits South
  5. ~~Riverside Blvd~~ Road from the City limits West to the City limits East.
  6. ~~Spring Creek Road~~ from the City limits West to the City limits East.
  7. ~~All of the Municipal boundary territory East of I-90 and North of East State Street roads East of I-90.~~
  8. ~~East State Street from I-90 to the City limits East.~~

~~§ 8.~~ Historic Districts: area designated as a historic district by the City of Rockford under the provisions of Article III of Chapter 13½ of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places.

  - a. Haight Village
  - b. Brown's Hills/Knightsville
  - c. Indian Terrace
  - d. Garfield Avenue
  - e. Northeast State and Main
  - f. East Rockford
  - g. ~~7th Street Commercial District~~
- C. The total number of billboards shall not exceed the total number of billboards legally existing in Commercial and Industrial Districts on the adoption date of this Ordinance. All replacement billboards shall comply with the regulations of this Ordinance.

1. Billboards are permitted to be replaced on a billboard-by-billboard basis. The total square foot area of a proposed billboard shall not exceed the total square foot area of a removed billboard.
  2. Upon removal of an existing billboard, excluding those billboards located within Residential and Historical Districts, the City shall credit the billboard owner the right to obtain one replacement billboard. Said credited replacement billboard shall not exceed the number of sign faces and the amount of square footage of the removed billboard. The removal of two single sign face billboards may be credited towards obtaining a double face billboard.
- D. Billboard structures, installed after the adoption date of this Ordinance, shall be installed at grade and shall be landscaped as specified in Section 1403.5. Roof installation is prohibited.
- E. Maximum height of sign structure including sign face shall be thirty (30) feet with a minimum ground clearance of ten (10) feet.
- F. Maximum size is three hundred eighty two (382) square feet. Billboards shall be a minimum of seventy-two (72) square feet.
- G. Location
1. Only one double-faced billboard is permitted per zoning lot. A double faced (back to back) sign, where the faces are parallel shall be considered as one sign for the purposes of this requirement.
  2. Signs must be spaced a minimum of ~~five hundred (500) feet~~ one mile apart, as measured in any direction from where a billboard is proposed or located, and ~~seven hundred fifty (750) feet~~ one mile as measured along the same side of street from where a billboard is proposed or located.
  3. Billboards shall be placed so as not to be in a direct line to block the view of signage on adjacent property from adjacent right-of-ways. All applications for billboard alteration or relocation shall be certified by the applicant as meeting this provision.
  4. Required setback for any billboard is five (5) feet, and it shall not project beyond the property line. Billboards shall not be located closer than twenty-five (25) feet from an intersection corner measured from the corner of the property lines.
  5. Billboards may not be located closer than five hundred (500) feet to a residential district or any public park measured in any direction from where the billboard is proposed or located.
  6. No billboard shall be located within five hundred (500) feet of any area designated as a historic district by the City of Rockford under the provisions of Article III of Chapter 13½ and listed under Section 13½17 of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places, or an Landmark as designated by the City of Rockford under the provisions of Article II of Chapter 13½ and listed under Section 13½10.1 of the Rockford Code of Ordinances and/or listed on the National Register of Historic Places in any direction as measured from where the billboard is proposed or located.
  7. All permit applications for the construction and erection of a billboard shall be accompanied by a survey prepared by a registered land surveyor identifying the placement of the proposed billboard and location of all structures and signage located on the property.

#### H. Special Uses

City Council may, following a hearing by the Zoning Board of Appeals, permit, as a Special Use:

1. Billboard greater than three hundred eighty two (382) square feet, up to six hundred eighty square feet (680).
2. Billboard located between one hundred fifty (150) and five hundred (500) feet from a Residential District, Historic District or Public Park. If the Council finds that all the Findings of Fact as outlined in Section 1603 are met and that the location, size and design of the proposed billboard will not have a detrimental effect on the privacy, use, light or enjoyment of any zoning lot. A Special Use may not be approved to vary or eliminate any other provision of this Ordinance.



3. The modification of an existing, legally nonconforming or conforming billboard—to an electronic graphic display digital billboard should the council find that the Findings of Fact in Section 1603 have been satisfied, and the location, size and design of the proposed billboard will not have a detrimental effect on the privacy, use, light or enjoyment of any nearby properties.

I. Severability of prohibition on billboards.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of 1500.6 and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibitions on billboards as contained herein

**1500.7 Nonconforming Business Signs and Billboards**

All signs existing at the time of adoption of this Ordinance which do not conform to the provisions herein shall be considered nonconforming and may continue in use until

- A. The sign suffers more than fifty (50) percent damage or deterioration, as based on inspection, at which time the sign must be brought into compliance with the Ordinance or removed; or
- B. The structure or size of the sign is altered in any way. The alterations must be made toward compliance with this Ordinance.

**1500.8 Nonconforming Billboards (Off-Premise Advertising Signs)**

All billboards existing at the time of adoption of this Ordinance which do not conform to the provisions herein shall be considered nonconforming and may continue as hereinafter prescribed

- A. If the billboard suffers more than fifty (50) percent damage or deterioration, as based on inspection, at which time the billboard must be brought into compliance with the Ordinance or removed.
- B. If the structure or size of the billboard is altered in any way, the alterations must be made toward compliance with this Ordinance.
- C. Nonconforming billboards that are not illuminated at the time of adoption of this Ordinance shall not be permitted to be illuminated.

**1500.9 Removal of Abandoned Billboards (Off-Premise Advertising Signs) and Billboards (Off-Premise Advertising Signs) in Disrepair**

- A. Whenever the Zoning Officer finds that any billboard on the authorized list is abandoned and whether or not it has deteriorated more than fifty (50) percent, the Zoning Officer shall notify the owner thereof and order said billboard be removed within thirty (30) days. Said order may be appealed pursuant to Section 1602.1 of this Ordinance. All billboards ordered to be removed shall be stricken from the authorized list of billboards and shall not be credited a replacement billboard. The term abandoned shall include sign faces that have not had active advertising for a period of six (6) months or greater, (active advertising does not include the self-advertising of the billboard owner or company). The property for which the billboard was abandoned and removed shall be prohibited from constructing a billboard for a period of 12 months. Any new billboard shall comply with the requirements of this Ordinance.
- B. Whenever the Zoning Officer finds that any billboard on the authorized list is in disrepair and whether or not it has deteriorated more than fifty (50) percent, the Zoning Officer shall notify the owner thereof and order him to repair the billboard within a specified amount of time not less than ten (10) calendar days. If the Zoning Officer finds that the billboard has not been repaired within the specified time in the repair notice, the Zoning Officer shall notify the owner of the billboard and the owner of real property on which said billboard is located to remove the billboard from the property within thirty (30) days. Said order may be appealed pursuant to Section 1602.1 of this

Ordinance. All billboards ordered to be removed shall be stricken from the authorized list of billboards and shall not be credited a replacement billboard.

#### **1500.10 Billboard License Required**

- A. All billboards are required to be licensed with the City and the billboard owner shall file a license application annually with the Zoning Officer on a form prescribed by the Zoning Office and said application shall be accompanied by a payment in accordance to Section 1606 (fee schedule).
1. Upon the effective date of this Ordinance billboard owner will have until January 1, 2003 to apply for a billboard license for each existing billboard they own,  
-and-
  2. Shall renew said license annually in accordance to the regulations above by January 31<sup>st</sup> of each subsequent year.
  3. Upon the approval of a billboard permit, construction of the billboard and final inspection with approval by the City of each relocated billboard, the billboard owner, within fifteen (15) days, shall apply for a billboard license for said billboard.
  4. All billboards licensed by the City of Rockford shall be required to post an identification tag provided by the City with the corresponding license number on the tag.
  5. Failure to obtain a current license will result in the billboard being determined as abandoned.
- B. The City will compile and maintain an authorized list of billboards within the City. The City will inspect each billboard annually and as needed to ensure that the provisions of this Ordinance are enforced.

#### 1500.11 Murals

Murals are allowed in the C-4 Districts by means of a Special Use Permit provided that positive findings of fact are made by the City Council.

##### Criteria for Approval

The design of the mural presents an innovative and creative reflection of the community.

The mural is compatible with the adjacent properties and nearby land uses.

The mural creates a positive image of the community.

#### 1500.13 Content Neutrality, Message Substitution

Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message, which does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity. The sign must also comply with the size, height, area and other requirements of this article.